

MINUTES FOR COMMITTEE POST COMMISSION MEETING

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SEPTEMBER 19, 2014

The Tennessee Peace Officer Standards and Training Commission met on Friday, September 19, 2014, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy Annex, 3025 Lebanon Road, Nashville, Tennessee.

Chairman Chrisman called the meet to order and welcomed everyone to the meeting.

Chairman Chrisman recognized Vice-Chair Wilson, who read the following disclaimer: **All POST Commissioners have previously agreed to recuse themselves from any vote that would constitute a conflict of interest. The most obvious of these would include any issues that involve our own departments or someone we know personally. Because we have already agreed to this, it should be noted on routine matters, it may be assumed nonverbally that the commissioners have abstained from the vote. In bigger, more controversial issues that may have a more overt conflict of interest or may have the appearance of impropriety, applicable commissioners will still verbally abstain from the vote.**

Chairman Chrisman noted the first item on the agenda is the adoption of the agenda and entertained a motion. Commissioner Jenkins moved to approve, seconded by Commissioner Williamson. The motion carried.

Roll call was taken and reflected the presence or absence of the following commissioners: Baker – present; Bennett – absent; Donoho – present; Fanion – present; Chrisman – present; Jenkins – present; Lax – present; Lewis – present; Long – present; Rhoades – present; Wallace – present; Wheeler – present; Williamson – present; Wilson – present; Rept. Rich – absent; Senator Bell – absent; General Cherry – present.

Mr. Grisham commented he has made the appropriate notifications concerning the absentee policy as requested by the Comptroller's Office. He added that Rept. Barrett Rich did not run for reelection.

Chairman Chrisman entertained a motion for the the approval of the Minutes from August 29th, 2014. Commissioner Rhoades moved to approve, seconded by Commissioner Fanion. The motion carried.

The chairman recognized Mr. Grisham for a Decertification Committee Hearing report.

Mr. Grisham reported that in the matter of Joseph Anthony Arnett, formerly of Metro Nashville PD, the recommendation is a default order of decertification on the ground of Mr. Arnett resigned in lieu of termination for disciplinary reasons. He was given notice and did not appear. In the matter of Larry Gilford Hardin, Marshal County Sheriff's Office, Mr. Hardin was given notice and did not appear. The recommendation is a default order of decertification based on the ground that Mr. Hardin pled guilty to a felony. In the matter of Kcbena Kwesi Cash, Memphis PD, the recommendation is a default order of decertification based on the ground he resigned in lieu of termination. There was some contention that adequate notice was not given, however, someone in his household did sign for the notice, but Mr. Cash did not appear.

Commissioner Lewis moved to approve the recommendations of the committee, seconded by Commissioner Wheeler. There being no discussion, the motion carried.

APPEARING BEFORE THE COMMISSION/

WAIVERS FOR PREEMPLOYMENT REQUIREMENTS – 1110-02-.03 + 1110-9-.04

Murfreesboro PD – Hobbs, Christopher Lee – Request is made for a waiver for an Uncharacterized Discharge from the USMC due to a back injury he sustained during his service. He has attended CSCC and has served in law enforcement since 2003. Requesting a waiver so that he remains in compliance with POST guidelines.

This item was removed, having been heard previously.

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Woodbury PD – Hayes, Jimmie D. – Request is made for a waiver for a DUI offense he received on 3-18-96. He pled guilty to the offense and served 48 hours, paying fines and cost and his license was revoked for one year, and was required to attend an alcohol safety school. Also on 9-15-07, he was arrested in Rutherford County for Public Intoxication and on 11-15-07 he pled guilty and paid fines and cost and placed on 30 days suspended sentence after paying all fines and costs. He became full time on 08-29-14 and will be attending TLETA in Oct. 2014. Requesting a waiver so that he may attend and be issued POST Certification after successful completion.

Waiver is also requested for the six month rule. He was employed previously for the Cannon County SO as a full time officer from 4-15-13 to 6-10-13, and became full time on 08-29-2014 with the department.

Commissioner Jenkins asked if a waiver was requested when Mr. Hayes went to Cannon County. Mr. Welch replied he did not believe a waiver was granted and asked for some time to do research on the matter.

Chairman Chrisman directed the commission's attention to the Addendum to the Agenda and the first item for Waivers For Preemployment Requirements

Dept. of Environment & Conservation – Ranger Program – Ball, John Alexander
Request is made for a waiver for the charge of Implied Consent he received on 04-19-2010 in Nolensville, TN. He plead guilty was fined court costs and to serve five (5) days, 11/29 suspended upon payment of fines and costs. He will be attending Basic at TLETA on Oct. 12, 2014. Request a waiver so he may attend the academy and remain in compliance with POST guidelines.

Mr. Ball was present and addressed the commission. He said that he was embarrassed to be before the commission and said he made a mistake in April of 2010 when he was arrested and charged with Reckless Endangerment and Violation of Implied Consent. Mr. Mike Robertson, Director of Operations for Tennessee State Parks was present with Mr. Ball.

Commissioner Williamson asked Mr. Ball what constituted the reckless endangerment. Mr. Ball answered he was arrested for DUI and the charge was reduced to reckless endangerment, to which he plead guilty. Mr. Ball said the incident occurred in Murfreesboro. Commissioner Lax asked Mr. Ball to explain what happened. Mr. Ball answered that he got behind the wheel after drinking and struck a parked vehicle and continued on and was in a parking lot when the officer arrived. Mr. Ball said he did not do a breathalyzer test and did not have his blood tested, thereby violating the Implied Consent law. He said he served five days in Rutherford County Jail prior to his actual court date in the hopes of getting the charge reduced to reckless endangerment. Commissioner Jenkins asked what the fine was and what was the penalty for reckless endangerment. Mr. Ball answered that he paid a higher fine and had unsupervised probation for one year and had a suspended license for one year. General Cherry asked Mr. Ball if he has an issue with drinking and if he has worked on that. Mr. Ball remarked that he made a mistake and that he does not drink much at all and very rarely now. He said he has never received a speeding ticket and this was a big mistake and he has regretted it very much.. Mr. Ball said he is twenty-seven years old.

Commissioner Jenkins asked if waivers are being requested for both charges. Mr. Grisham answered the Reckless Endangerment does not require a waiver, as it is a reduced traffic offense. Implied Consent is a misdemeanor involving alcohol, thus requiring a waiver.

Commissioner Lewis remarked he believes in second chances and moved for approval, seconded by Commissioner Wheeler. Chairman Chrisman noted as this is a Murfreesboro Police Department arrest, he would recuse himself from discussion and voting. Commissioner Wheeler noted that he had been given a second chance many years ago as a young officer and asked Mr. Ball to talk to young and old officers, telling them that the number one problem in the state of Tennessee affecting law enforcement officers is alcohol. He implored Mr. Ball to go back and do whatever takes to help resolve the situation. There being no further discussion, the motion carried.

Chairman Chrisman directed the commission's attention back to the matter of Jimmie D. Hayes, Woodbury PD. Mr. Welch explained that Mr. Hayes was hired on 4/15/2013 by Cannon County SO. The six-month time period begins at that time. Mr. Hayes resigned on 6/20/2013. By the time the sheriff's department got their paperwork in requesting a waiver, Mr. Hayes had resigned, therefore, no action was taken by POST. Mr. Underwood noted there was a break from June 2013 to August 2013. Commissioner Wheeler remarked that since Mr. Hayes served such a short time, he would be interested to know why he jumped from one to the other. Mr. Hayes was not present and there was no one present from Woodbury PD on behalf of Mr. Hayes.

Commissioner Jenkins noted that Mr. Hayes is scheduled to attend the academy in October. He said he feels this is something the commission would approve but he does have questions he would like to ask. Mr. Underwood noted that there are two alcohol offenses in Mr. Hayes' history, which the commission may want to ask him about. Mr. Grisham said Mr. Hayes would be in the second week of the academy by the 23rd of October POST meeting. Mr. Hayes cannot attend the academy without the waiver.

Commissioner Jenkins moved to approve the waiver and for Commissioner Wheeler to write his speech and have Mr. Ball sign that he has read it, seconded by Commissioner Fanion.

Mr. Grisham said a six-month waiver can be granted and have Mr. Hayes appear at the October meeting. If the waiver is granted, Mr. Hayes can then attend the January academy. Mr. Welch said he also feels that would be the best thing to do in order to answer any questions.

Commissioner Jenkins withdrew his motion. Commissioner Fanion withdrew his second.

Commissioner Lewis moved to grant a six-month waiver, seconded by Commissioner Jenkins.

Mr. Grisham noted that Mr. Hayes' basic class will be rolled to January. Commissioner Fanion replied he thought Mr. Hayes would start in October. Mr. Grisham said if Mr. Hayes begins the academy in October, he will have completed two weeks by the next POST meeting on the 23rd of October. Mr. Wheeler said he believes it would still be good for Mr. Hayes to appear before the commission. Commissioner Baker added that it would not be a bad thing for Mr. Hayes to see the seriousness of his actions or future actions. Gen. Cherry said he would be inclined to deny the waiver until Mr. Hayes shows up and that he can start a later class. Gen. Cherry said if they grant the waiver, then the commission is kind of just giving a pass, and that can be dangerous. He said he would rather hear Mr. Hayes' story and let him explain himself.

Chairman Chrisman noted that the motion is to grant a six-month waiver. There being no further discussion, the motion carried.

Mr. Grisham said Mr. Hayes can continue to work until October 23rd and if the waiver is denied, then he will not be attending basic in January.

WAIVER OF BASIC TRAINING – 1110-02-.03 + 1110-9-.02

The following requests for Waiver/Substitution of Basic Training have been reviewed and appear to meet POST requirements:

1. Bradley County SO – Fowler, Timothy - Request is made for Deputy Fowler to attend the September 28, 2014 transition school at TLETA. He completed basic at the North Carolina Basic Law Enforcement Training Academy at the Southwestern Community College, Sylvia, North Carolina, with a total of 576 hours, 08-16-1999. He was employed by the Ocean Springs PD, MS from 2005-2008; D'iberville PD, MS, 2008 to 2009; and Pascagoula PD from 2009 to 2012. He became full time on 09-01-2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Jenkins moved for approval, seconded by Commissioner Lewis. The motion carried.

2. Clarksville PD – Simulis, Timothy Edward - Request is made for Officer Simulis to attend the September 28, 2014 transition school at TLETA. He completed basic at the Police Training Institute, University of Illinois at Urbana-Champaign, IL, with a total of 480 hours, and was employed by the Fairbury PD in IL. 12-30-2012 to 09/2014. He became full time on 09-16-2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Baker moved to approve, seconded by Commissioner Fanion. The motion carried.

3. Graysville PD – Cole, Justin Michael - Request is made for Officer Cole to attend the September 28, 2014 transition school at TLETA. He completed basic at the St. Johns River State College in St. Augustine, Florida, with a total of 770 hours, on 04-15-2014. He was not employed in Florida. He became full time on 08-01-2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Mr. Welch informed the commission that he received a call the prior day stating that Mr. Cole had been out working alone. Commissioner Jenkins asked if Mr. Cole was ever certified in Florida or if he just attended school there. Mr. Welch answered that Mr. Cole just went to school in Florida, but he has two years from date of graduation to become certified. Chairman Chrisman asked if an FDLE certification was contained in the packet. Mr. Welch said he did not believe a FDLE would have been issued unless Mr. Cole had gone to work full time.

Commissioner Jenkins noted under the guidelines, Mr. Cole can attend the transition school and moved for approval, seconded by Commissioner Baker.

Commissioner Fanion asked if this is something that needs to be investigated beyond the approval of the waiver. Mr. Welch answered that he already has Graysville's payroll records. He said he is getting ready to look at the timesheets. Graysville PD is a small department with only three or four people but it is difficult to get the paperwork. Mr. Grisham remarked this is one of the accusations the commission heard in August that prompted them to ask Mr. Welch to get the records in and look at them. Mr. Welch said that Mr. Cole supposedly started on 8/1/2014 with the department.

Commissioner Wheeler commented that he could not remember where an officer graduated from another state school and never worked anywhere in that state and came to Tennessee to work. Mr. Grisham said there have been some that came out of Walter State or Cleveland State and had been out for two years and then went to transition school. The POST rules allow that. He said this request is equivalent to that. Chairman Chrisman noted that the precedent would be to allow it, but this still does not address the issue that Mr. Cole is out working alone every day. Mr. Grisham agreed. He said POST has allowed people to work who have been certified in other states, but since Mr. Cole has never been certified he should not be working alone.

Mr. Welch said that Mr. Cole's basic training is equivalent and there is a letter stating that the curriculum is prescribed by the Florida Department of Criminal Justice. Mr. Grisham said POST needs to take a close look at out-of-state officers. They come in without the EVOC and they cannot be taught driving in one day in a three-week basic class. He added that in the future, if the officers have not had the exact equivalent basic, then they will have to go to driving class and then transition school.

Commissioner Rhoades remarked that he would hate to penalize Mr. Cole for his administration's failure and that he probably does not even know what is going on.

Chairman Chrisman noted the motion and second are still pending. He asked if it would be appropriate for a letter to be sent to Graysville telling Mr. Cole he cannot be riding alone and will have to be paired with

someone until completion of the transition school. Mr. Welch responded that that was explained to the department over the phone on the prior day. Mr. Grisham suggested sending a letter to the city council quoting the statute. He said whoever pays this officer is committing a Class B misdemeanor every time they pay him.

Mr. Underwood explained that the mayor is one of the five commissioners and they appoint a city recorder who actually performs all the duties. The mayor wanted to replace the chief, but the other four members of the commission overturned that. The city recorder then resigned. Mr. Welch added that when the chief was brought back, the city manager resigned, the city attorney resigned, the city recorder was let go. The district attorney refuses to prosecute any cases that the chief is involved in.

Chairman Chrisman repeated the motion is to allow Mr. Cole to attend the transition school. Commissioner Williamson asked if the motion could be amended to add sending a letter to Graysville reminding the city commission that Mr. Cole cannot be riding alone and must be paired with another officer. Commissioner Wheeler suggested that the officer be copied on the letter in case he does not receive word from the city commission.

Commissioner Jenkins so amended his motion to include the letter being sent, seconded by Commissioner Baker.

Commissioner Wilson asked if the letter would contain the language about committing a misdemeanor if they did not comply. Mr. Welch said that is the failure to comply rule and it will be in the letter.

There being no further discussion, the motion carried.

4. Kingston Springs PD – Biggers, Joseph Clint - Request is made for Mr. Biggers to attend the September 28, 2014 transition school at TLETA. He completed basic at TLETA graduating on 04-27-1990, and was certified while employed with the Cheatham County SO from 9-1-89 to 10-05-98. He was also employed with Kingston Springs 10-06-98 to 02-26-01 and again with Cheatham County on 3-4-01 to 09-02-04. He became full time on 08/27/2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Lewis moved for approval, seconded by Commissioner Baker. The motion carried.

5. Overton County SO – West, James Dewey – Request is made for Mr. West to attend the September 28, 2014 transition school at TLETA. He completed basic at the Johnston Community College in North Carolina graduating on 05-13-2011 with a total of 663 hours. He was not employed with a department after completion of basic. He has been with the Overton County SO as a corrections officer since 01-2014, and on 07-01-14 he became a full time officer. Request to attend the Transition School in order to obtain POST Certification.

Commissioner Rhoades moved for approval, seconded by Commissioner Wallace. The motion carried.

6. Red Bank PD – Noojin, III, Edward Jay - Request is made for Mr. Noojin to attend the September 28, 2014 transition school at TLETA. He completed basic at the Jefferson County Sheriff's Office Academy in Alabama with a total of 640 hours, and was employed by the Etowah County SO in Alabama from 2008 to 2014. He became full time on 09/16/2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Baker moved to approve, seconded by Commissioner Williamson. The motion carried.

7. Christian Brothers Univ. PD – Burleson, Jon Robert - Request is made to issue a POST Certificate of Compliance. Mr. Burleson attended basic at the Memphis PD graduating on 05-29-2013, and was employed with Collierville PD from 02-2013 to 10-2013, and was issued POST Certification. He became

full time with Christian Brothers University PD on 06-12-2014 and the request is to issue him a POST Certificate of Compliance.

Commissioner Williamson moved to approve, seconded by Commissioner Baker, which motion carried.

Chairman Chrisman noted there are additional requests for waivers of basic training on the Addendum.

8. Cannon County SO – Williams, Michael Roy - Request is made for Mr. Williams to attend the September 28, 2014 transition school at TLETA. He completed basic at TLETA in April 1995 and was employed with the Cannon County SO from 09-1994 to 06-1996, as well as the Woodbury PD from 02-2007 to 06-2008. Mr. Williams attended a 135 hour crossover school in Florida and was employed with the Ft Lauderdale PD from 02-2003 to 02-2007, and again at Ft. Lauderdale PD 06-2008 to 06-2014. He became full time on 09-22-2014. Request approval pending receipt of Confirmation of Medical, Confirmation of Psychological and FP's. Request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Baker moved to approve, seconded by Commissioner Wheeler.

Mr. Grisham asked the commission to turn their attention toward the end of the regular agenda to the matter of Van Buren County Sheriff's Office, Eric Campbell. Commissioner Fanion has asked that this be placed back on the agenda for further discussion.

The following had been included on the August 29, 2014 agenda, at which time a waiver was granted for the six month rule.

Van Buren County SO – Campbell, Jarrod – Request is made for a waiver of the six month rule. Deputy Campbell was attending TLETA and on 7-28-14 sustained an injury for which he had to have surgery. He will be out for at least 6 to 10 months to recuperate from his surgery. Requesting a waiver so that he and the department remain in compliance.

Mr. Grisham explained that Mr. Campbell was finishing up training in basic at TLETA in July. Mr. Campbell had been diagnosed by his departmental physician as having a muscle strain. When Mr. Campbell attempted the obstacle course, he, in fact, had a stress fracture. He ran the obstacle course and would not stop when he was obviously seriously injured. Mr. Campbell ended up shearing the ball joint off the femur. He now has three screws and a pin holding it together and will be rehabbing for eight to ten months. Mr. Grisham said when Mr. Campbell came out of recovery, he was administered the POST Test and passed despite being on medication. Mr. Campbell has finished all phases of his training and was one second off on his last evaluation. Mr. Grisham said he has discussed this with the physical training staff and they feel like Mr. Campbell was on track to pass easily.

Commissioner Fanion said this is an item that he feels like the Commission should move forward on and allow Mr. Campbell that one second and not send him back through the training academy for that one issue and grant him certification and would so move. Commissioner Williamson seconded. There being no further questions or discussion, the motion carried.

Mr. Grisham noted there are two people present from Chester County and asked if that item could be heard next.

Chester County SO – P.O.S.T. Rule 1110-8-.03 – Training Requirements –Part-time, temporary, auxiliary law enforcement officers.

Requesting a waiver of the above rule – completing 80 hours of training during the first calendar year of employment. Chester County is requesting a waiver in order to implement a reserve program as soon as possible, but not completing the training until Jan. 1, 2015, which will allow twelve (12) months to complete the required training. Requesting to implement the reserve program as soon as possible and to be allowed to complete the training after Jan. 1, 2015.

Chief Deputy Mark Griffin and Deputy Cal Connor, Training Officer, were present. Deputy Griffin explained that Chester County would like to implement a reserve program and would like to be allowed a full twelve months to complete the required eighty hours of training. He said they may not necessarily need until January of 2015 but feels they will need a little more than just the three months. He said if they begin training the reserves now, it will take them to December 31st to complete the training and did not feel like that is realistic.

Commissioner Jenkins asked if the people who are hired now will be working before January. Deputy Griffin answered the reserves would not be working before January. He said the timing is better now to begin the training. He said he understands if they begin the training in January, the rule gives them twelve months to complete the training. He added that the department would like to begin training now. He said by appointing those reserves now, the department will need a waiver to stay in compliance because it would not be realistic to get the eighty hours in by the end of December.

Commissioner Wheeler reiterated that these reserves will not be used to supplement patrol during the training period. Deputy Griffin answered that that is not the intent of the program at all to be used to supplement patrol. Rather, they will be working in conjunction with patrol at community events such as ballgames and parades. He explained Chester County is a small department and they are shorthanded. The reserves will be used in conjunction with the certified officers. Mr. Welch explained that once the eighty hours of mini basic is completed and the reserves have met all the qualifications, they can then work.

Commissioner Jenkins moved for approval, seconded by Commissioner Lewis. The motion carried.

Mr. Grisham clarified that the training may be spread over the twelve-month period, however, it must be completed during the calendar year. He added that this is probably being done by other agencies but Deputy Griffin is being upfront and telling the Commission about it. Mr. Welch also agreed that this is happening.

The motion carried.

9. Copperhill PD – Robbins, Frank Daniel - Request is made for Officer Robbins to attend the September 28, 2014 transition school at TLETA. He completed basic at the North Central Georgia Law Enforcement Academy in Austell, Georgia with a total of 400 hours of instruction on 05-29-2002. He was employed with the Gilmer County SO in Ellijay, Georgia from 03-19-2001 to 12-31-2007, East Ellijay PD from 01-02-2008 to 04-22-2008 and Eton PD in Eton, Georgia beginning 12-09-2013 to present. He became full time with Copperhill PD on 09-04-2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Baker moved for approval, seconded by Commissioner Williamson. The motion carried.

10. Hendersonville PD - Newberry, John Brian – Request is made for Officer Newberry to attend the September 28, 2014 transition school at TLETA. He completed basic at the Grand Valley State Police School in Michigan, graduating on 06-1991, with a total of 440 hours and was employed by the Ottawa County SO in Michigan as Marine Patrol 05-1992 to 04-1995,. He then began employment with Hendersonville PD on 04-27-1995 and challenged the POST Test on 06-23-1995 and was a certified officer in TN until 07-19-1999, at which time he returned to Michigan and was employed with the Grand Rapids PD from 08-2000 to 02-2014. He will become full time on 09-27-2014 and request is to attend the Transition School in order to obtain POST Certification. Request approval pending receipt of Confirmation of Medical, Confirmation of Psychological and FP's.

Commissioner Lewis moved for approval, seconded by Commissioner Baker. The motion carried.

11. Hendersonville PD – Babbitt, Marcus Karl - Request is made for Officer Babbitt to attend the September 28, 2014 transition school at TLETA. He attended basic at Metro Nashville PD graduating on 12-19-1997, and was employed by the Metro Nashville PD from 08-1997 to 11-2007. He was employed previously with the Dept. of Interior (Bureau of Indian Affairs) from 11-2007 to 07-2013 and completed the FLETC on 06-25-2008, with a total of 462 hours of instruction. He will be full time with Hendersonville PD on 09-27-2014 and the request is to attend the Transition School in order to obtain POST Certification Request approval pending receipt of Confirmation of Medical, Confirmation of Psychological and FP's.

Commissioner Baker moved to approve, seconded by Commissioner Lewis. The motion carried.

12. Humphreys County SO – Street, Allen Ray - Request is made for Mr. Street to attend the September 28, 2014 transition school at TLETA. He completed basic at the Louisiana Delta Community College in Monroe, Louisiana on 09-2013, with a total of 467 hours. He was employed by the Morehouse Parish SO 03-2012 to 09-2014. He will become full time on 09-28-2014. Request approval pending receipt of Confirmation of Medical, Confirmation of Psychological and FP's. Request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Lewis moved for approval, seconded by Commissioner Wheeler, which motion carried.

13. Meigs County SO – Brightman, William Arthur - Request is made for Mr. Brightman to attend the September 28, 2014 transition school at TLETA. He completed basic at the Withlacoochee Technical Institute Criminal Justice Academy on 05-23-2011, with a total of 770 hours. He was employed by the Citrus County SO 07-2013 to 01-2014. He became full time on 09-01-2014. Request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Williamson moved to approve, seconded by Commissioner Jenkins. The motion carried.

14. Millersville PD – Hindman, David Kenneth - Request is made for Chief Hindman to attend the September 28, 2014 transition school at TLETA. He completed basic at TLETA on 12-21-90, and was employed with the White House PD from 9-19-1990 to 08-19-1991, and Millersville PD from 09-23-1991 to 09-30-1992. He was also employed with THP from 04-15-1994 to 07-15-2000. He also attended the North Central Georgia Law Enforcement Academy graduating on 10-06-2000, with a total of 404 hours and was employed by the Paulding, Georgia SO from 07-15-2000 until 01-05-2011 and the Fulton County SO from 01-05-2011 to 09-09-2014. He became full time on 09-10-2014 and the request is to attend the Transition School, in order to obtain POST Certification.

Commissioner Jenkins moved to approve, seconded by Commissioner Baker. The motion carried.

15. Sevier County SO – Tyner, Bart Edward – Request is made for Deputy Tyner to attend the September 28, 2014 transition school at TLETA. He completed basic at the South Carolina Criminal Justice Academy in Columbia, South Carolina with a total of 392 hours on 01-02-2009 and was employed full time with the Lexington County Health Services District Department of Public Safety in South Carolina from 10-01-2006 to 08-01-2012. He became full time on 09-01-2014 and the request is to attend the Transition School, in order to obtain POST Certification.
Request Pending receipt of FP's.

Commissioner Williamson asked what the cutoff is on the amount of hours from out of state. Mr. Grisham said POST will be waiving eight hours. Mr. Welch commented POST has to balance what was the curriculum and the number of hours in the state of Tennessee in the year Mr. Tyner graduated. In 2009, it was 400 hours in Tennessee, so Mr. Tyner is eight hours short, but he would make that up in the transition

school. Commissioner Jenkins asked what Mr. Tyner's responsibilities would be in Health Services and was he certified. Mr. Grisham said he believes Mr. Tyner to have been part of the hospital police but was not certain. In looking at Mr. Tyner's file, Mr. Welch said it contains a copy of his commission card signed by the CEO of the hospital. Mr. Grisham said that POST needs to call the South Carolina POST. He was able to be certified in South Carolina but Tennessee does not know if he was certified. Mr. Grisham said Mr. Tyner's attendance can be allowed contingent upon him being certified in South Carolina.

Commissioner Wheeler so moved, seconded by Commissioner Fanion.

Commissioner Baker commented that while she agrees with the motion, she feels the commission should be careful because if POST rules say 400 hours and Mr. Tyner is eight hours short, then they are setting a precedent for the next person who comes in two days short and for the next one who is four days short. Commissioner Baker remarked they have to be careful where they draw the line.

Mr. Grisham replied that they have been remiss since the transition school was created. Prior to that, people were made to come to the academy for remedial training before challenging the POST test if they were deficient. Mr. Grisham said the staff will go through and see what Mr. Tyner is missing in those eight hours and require him to attend if there is a deficiency.

Commissioner Williamson remarked that they have the same problem with officers being out of law enforcement for a period of time. He said they approved someone who came in who lacked two days. They then set a precedent and will they allow that with someone who is over four days. The commissioner said they need to follow their rules or it will get completely out of hand. Commissioner Williamson asked if someone comes in with 380 hours, is POST going to try to work it so that person can work. He said it is not the job of the POST Commission to try to find the deficiency but rather the person should be proving to the POST Commission that they are qualified to be certified. The commissioner added that POST should not have to start looking up records and making arrangements.

Commissioner Jenkins commented that EVOC and some of the other requirements were not mandated for quite a long time. Mr. Grisham replied that a week in basic has been mandated for years. He noted that some people who attended basic in Georgia and Florida are coming in without a week of driving and there is no way in the three-week transition school they can afford to do a whole week of driving. Those people need to come and do a week of driving and then come to the transition school. When people cannot demonstrate in one day that they can drive safely, then they need to go to a week of driving. Mr. Grisham said POST will figure out what Mr. Tyner is missing in that eight-hour deficiency.

Mr. Underwood asked if there is standard policy regarding looking at out of state officers and determining what they can do. Mr. Grisham said from what he is hearing from his instructors, POST is not looking as closely as they used to. They are relying too much on the transition school. In the three years of doing the transition school, only one person has passed the pretest coming in from another state. He added that the school is very valuable, especially in the legal education they receive because Tennessee laws are completely different. Mr. Grisham said he wants to make sure POST is looking closely at the curriculums and that the officers are getting their basic before they come to the school. The transition is not testing them physically but making them demonstrate that they can do certain things. If they cannot demonstrate that they can drive or shoot well, Mr. Grisham said he will take it upon himself to make them go to the academy. In the case of Mr. Tyner, in order to be consistent with the POST rules, Mr. Tyner needs to make up the deficient eight hours plus the transition school.

Chairman Chrisman asked Commissioner Wheeler if he cared to amend his motion.

Commissioner Wheeler amended the motion to approve by adding that Mr. Tyner make up the deficiency of eight hours and attending the transition school, seconded by Commissioner Fanion. The motion carried.

16. Sevier County SO – Phipps, Michael Lee – Request is made for Deputy Phipps to attend the September 28, 2014 transition school at TLETA. He completed basic at the State of Michigan Basic Law Enforcement Training Academy in Detroit, Michigan graduating on 02-12-2009 with a total of 594 hours. He was employed by the Detroit PD in Michigan from 05-30-2008 to 02-03-2014. He became full time on 05-16-2014 and the request is to attend the Transition School, in order to obtain POST Certification. Request Pending receipt of FP's.

Commissioner Williamson moved to approve, seconded by Commissioner Baker. The motion carried.

SPECIALIZED SUBSTITUTIONS FOR IN-SERVICE TRAINING – 1110-4-.09

The following items, numbers 1 through 12 requests for approval of Specialized Training Substitution, have been reviewed and appear to meet the guidelines set forth in POST Rule 1110-04-9. T.C.A. mandated Child Sexual Abuse, EVOC, Mental Illness and Firearms qualifications must be completed and documented to complete requirements for In-service training, if not included in the curriculum of these courses.

1. Bartlett PD - - Request approval of Specialized Training Substitution for the following Officers:

Kevin C. Thompson – “IAFCI 46th Annual Training Conference” – International Assoc. of Financial Crimes Investigators – Phoenix, AZ – August 25-29, 2014 – 29 Hrs.

2. Cookeville PD - Request approval of Specialized Training Substitution for the following Officers:

Mitchell Harrington, James D. Harris, Jason A. Hees, Cary W. Matheney, & Chris M. Melton – “Narcotics Detection Patrol Tracking” – Tarheel Canine Training, Inc. – Sanford, NC – March 18-20, 2014 – 24 Hrs.

3. Henderson Co. SO - Request approval of Specialized Training Substitution for the following Officers:

Danny S. Maness – “Clandestine Laboratory & WMD Safety Certification” – RCTA – Meridian, MS – August 25-30, 2014 – 54 Hrs.

4. Humboldt PD - Request approval for College/University police courses to be considered toward meeting P.O.S.T. 40 hour in-service training requirement for the following Officers:

Thomas L. Adams, II – “Criminal Justice Program” – Bethel University – Spring, 2014 – 3 Credit Hours.

5. Murfreesboro PD - Request approval of Specialized Training Substitution for the following Officers:

Christopher Shawn Haney – “Fast Track, Mobil Phone Examiner – Level 1 & 2” – Paraben Corporation – Huntsville, AL – June 23-27, 2014 – 40 Hrs.

Michael Yates – “Effective Interviewing Strategies: Statement Analysis & the Cognitive Interview” – IPTM – Jacksonville, FL – July 28 – August 1, 2014 – 40 Hrs.

6. Putnam Co. SO - Request approval of Specialized Training Substitution for the following Officers:

Roger M. Cooper – “Cyber cop 101 – Basic Data Recovery & Acquisition” – National White Collar Crime Center” – Frankfurt, KY – July 14-16, 2014 – 28 Hrs.,

7. Selmer PD - Request approval of Specialized Training Substitution for the following Officers:

Kimball {Kim} L. Holley & Timothy L. Ingle – “Social Media & Drug Investigations” – RCTA –

Meridian, MS – August 14-15, 2014 – 12 Hrs.

Wesley A. Moore & Jeremy M. Rickman – “Patrol Officers Response to Street Drugs” – RCTA – Meridian, MS – July 28 – August 1, 2014 – 40 Hrs.

Robert C. Pipkins – “Hazmat Response/Awareness Level” and “Meth lab Awareness” – N.E. Mississippi L.E. Training Center – Corinth, MS – June 24 & 25, 2014 – 16 total Hrs.

Tommy T. Howell & Christopher A. Sides – “Tactical Combat Casualty Care” – RCTA – Hattiesburg, MS – June 23-27, 2014 – 40 Hrs.

8. Trenton PD - Request approval of Specialized Training Substitution for the following Officers:

Herman E. Williams – “Post Blast Investigative Training Course” – Dept. of Justice – National Center for Explosives Training & Research, Huntsville, AL – August 25-29, 2014 – 40 Hrs.

9. Washington Co. SO - Request approval of Specialized Training Substitution for the following Officers:

Herbert M. Adams, Seth R. Cassell, Steven L. Cross, Coit M. Dixon, William D. Gregg, Joseph B. Horton, Marriion W. Phillips, & Kevin W. Sanders – “Prevention of & Response to Suicide Bombing Incidents” – New Mexico Tech – Socorro, NM – Dates include February 10 – 14th, & May 12 – 16, 2014 – 36.5 Hrs.

Scott P. Baines, Debra L. Barkely, Jeremy A. Bonds, Andres A. Cabrera, Susan E. Cate, Jeffrey A. Clyburn, Wendy N. Cowan, Larry C. Denny, Michael T. Foster, Michael R. Garmer, Herman L. Hagie, Jeffrey A. Miller, Daniel L. Rhudy, Heather N. Salyer, Alan L. Shaffer, Laura S. Tester, & Michael A. Webb – “Incident Response to Terrorist Bombings” – New Mexico Tech – Socorro, NM – Dates include May 20-23rd, June 3-6th, June 24-27th, July 7-10th, & July 22-25, 2014 – 32 Hrs.

10. M.T.S.U. Campus PD - Request approval of Specialized Training Substitution for the following Officers:

Broede D. Stucky – “National Information Officers Assoc. Conference” – NIOA – Clearwater Beach, FL – August 24-27, 2014 – 32 Hrs.

Jason O. Hurley & Kyle T. Thompson – R.A.D. International Training & Certification Conference” – R.A.D. – Norfolk, VA – July 14-17, 2014 – 32 Hrs.

11. West. TN. D.T.F. - Request approval of Specialized Training Substitution for the following Officers:

Gregory Flint – “FBINA” – FBI National Academy” – Quantico, VA – April – June, 2014 – 17 Semester Hours.

12. McMinnville PD - Request approval of Specialized Training Substitution for the following Officers:

Mosley, Marta Nichole– “FBINA” – FBI National Academy” – Quantico, VA – January – March, 2014 – 400 hours.

Chairman Chrisman noted he would be abstaining on Item #5.

Commissioner Lewis moved to approve Items 1-12, seconded by Commissioner Fanion. The motion carried.

APPLICATIONS FOR TRAINING OFFICER – 1110-04-.03

The following items, Number 1 through 3, applications for Training Officer, have been reviewed by POST Investigators and appear to meet criteria for approval. The officers will be informed that they must complete and Instructor Development course within the next 12 months.

1. Chapel Hill PD – Thomason, Gaylon Alexander – Request Officer Thomason to become the training officer for the department. He has 4 years in law enforcement and has completed the required Instructor Development.
2. Henry County SO – Crosser, James Edward - Request Sgt. Crosser to become the training officer for the department. He has 25 years in law enforcement and has completed the required Instructor Development. (He was the previous training officer)
3. Unicoi County SO – Morales, Jr. Mario - Request Lt. Morales to become the training officer for the department. He has 14 years in law enforcement and has completed the required Instructor Development.

Commissioner Fanion moved for approval of Items 1-3, seconded by Commissioner Baker. The motion carried.

APPLICATIONS FOR CERTIFIED INSTRUCTOR – 1110-03-.04

The following items Number 1 through 8, have been reviewed by POST Investigators, and appear to be in order and meet minimum standards:

1. Algood PD – Lindsay, Terry David – Request Sergeant Lindsay to become the General Departmental Instructor for the department. He has been with the department since 2005 and was previously the GDI with the Clay Co. SO, asking to transfer his certification to Algood PD, certification #04-24GD.
2. Chapel Hill PD – Thomason, Gaylon Alexander – Request Officer Gaylon to become the General Departmental Instructor for the department. He has been with the department since 2001 and has completed the required course of Instructor Development. Chief Cook is requesting a waiver of the one year rule.
3. Hamilton Co. SO – Merkle, Eric S. – Request Sergeant Merkle to become the Specialized Instructor in the following area[s]:

Firearms

Sgt. Merkle has been with the department since 1996 and has completed the required course as well as Instructor Development.

4. Henry Co. SO – Crosser, James Edward – Request Deputy Crosser to be reinstated as the General Departmental Instructor for the department - #07-20GD. He has been with the department since 1989 and completed the required Instructor Development and has been placed as the training officer for the department.
5. Jackson PD – Kemper, Phillip L. – Request Lieutenant Kemper to become the General Departmental Instructor for the department. He has been with the department since 2004 and has been assigned as the training officer for the department. He has completed the required course of Instructor Development.

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6. M.T.S.U. Campus PD – Carter, Leroy Earl – Request Officer Carter to become the Specialized Instructor in the following area[s]:

Motorized Scooter Instructor

Officer Carter has been with the department since 2001 and has completed the required course of Instructor Development. Department is requesting a waiver for instructor certification based on Officer Carter's background, experience, and general skill and knowledge in this area, as to the department's knowledge there is no known instructor course for Motorized Scooter.

7. TN. State Parks – Fuller State Park – Day, Brian Patrick – Request Ranger Day to become the Specialized Instructor in the following area[s]:

Radar/Lidar

Ranger Day has been with law enforcement since 2007 and has completed the required course as well as Instructor Development.

8. Bedford Co. SO – Gann, James Rickey – Request Deputy Gann to become the Specialized Instructor in the following area[s]:

LEOSA - Firearms

Deputy Gann has been in law enforcement since 2005 and has completed the required course as well as Instructor Development.

Commissioner Baker moved to approve Items 1-8, seconded by Commissioner Williamson. The motion carried.

CURRICULUM AND TESTS – 1110-04

The following Items 1 through 18 have been reviewed by POST Investigators and appear to be in order and meet or exceed minimum standards for POST requirements:

1. Anderson County SO – 2014 Patrol Division In-service, 40 hours, CSA/EVOC/MI/FA.
2014 Training Year
2. Anderson County SO – C.I.D. In-service , 40 hours, CSA/EVOC/MI/FA.
Sept. 15-19, 2014
2014 Training Year
3. Benton PD – 2014 In-service, 40 hours, CSA/EVOC/MI/FA.
Oct. 13-18, 2014
2014 Training Year
4. Cleveland State CC – Class #64 Basic Law Enforcement Course . 400+ hours.
Feb. 2 – April 10, 2015
5. Cumberland County SO – 40 hours, CSA/EVOC/MI/FA.
Oct. 13-17, 2014
Oct. 20 – 24, 2014
2014 Training Year
6. Dayton PD – In-service Training, CSA/EVOC/MI/FA. 14 hours.

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Oct. 9, 16, 23, 30, 2014
2014 Training year

7. Hawkins County SO – Firearms Training, 8 hours.
Sept. 4, 6, 17, 2014
Oct. 2, 16, 2014
2014 Training Year
8. Henry County SO – Firearms Training, 8 hours.
Oct. 25, 2014
2014 Training Year
9. Macon County SO – In-service Training, 40 hours. CSA/EVOC/MI/FA.
Sept. 22-26, 2014
2014 Training Year
10. MTSU Campus PD – 32 hours, CSA/EVOC/MI.
Oct. 13-16, 2014
2014 Training Year
11. Moore County SO – 8 hours Firearms Training.
Oct. 15, 2014
2014 Training Year
12. Morristown PD – 52 hour Reserve Officer In-service, CSA/EVOC/MI/FA.
2014 Training Year
13. Obion County SO – In-service, 40 hours. CSA/EVOC/MI/FA.
2014 Training Year
14. Perry County SO – Firearms, 8 hours.
Sept. 3, 16, 23, 2014
Oct. 8, 15, 22, 28, 2014
Nov. 6, 12, 20, 2014
2014 Training Year
15. Ridgetop PD – 40 hour In-service, CSA/EVOC/MI/FA.
1st Oct. 14 & 15, 2014
2nd – Oct. 20, 21, 22, 2014
2014 Training Year
16. Selmer PD – 24 hour In-service, CSA/EVOC/MI/FA.
Oct. 29, 2014
Nov. 5 & 19, 2014
2014 Training Year
17. 10th Judicial District DTF – In-service, 16 hours. CSA/EVOC/MI/FA.
2014 Training Year
18. Volunteer State CC PD- Firearms, 8 hours.
2014 Training Year

Commissioner Rhoades moved for approval of Items 1-18, seconded by Commissioner Baker. The motion carried.

SPECIALIZED TRAINING CURRICULUM – 1110-04-.09

The following Items 1 through 30, have been reviewed by POST Investigators and appear to be in order and meet minimum standards for Specialized Training Substitution. Child Sexual Abuse, EVOC, Mental Illness and Firearms must be completed and documented to complete requirements for In-service training. Those specialized schools including Child Sexual Abuse training will be designated as they are approved for POST information.

1. Blount County Task Force Against Domestic Violence – Identifying and Responding to Victims of Strangulation: New TN. Law. 2.25 hours
Oct. 7-2014
2. Bristol PD – Basic Domestic Violence/Sexual Assault Interdiction Course – 40 hours.
Nov. 3-6, 2014
Advanced Domestic Violence/Sexual Assault – 24 hours.
Nov. 19-21, 2014
3. Chattanooga PD – Spanish 2 for the Police Officer – 13 hours
Instructed on Tuesdays – 1 hour
Sept. 16 – Dec. 9, 2014
4. Chattanooga PD – IPMBA Basic Police Cyclist Course. 40 hours
Sept. 29-Oct. 3
5. Gallatin PD –Emergency Response Team (SWAT) Training. – 112 hours
2014 Training year
6. Greeneville PD – Glock Armorer’s Course, 8 hours.
Sept. 18, 2014
7. Hawkins County SO – Courtroom and Courthouse Security In-service. 32 hours
Sept. 27 – Oct. 4, 11 & 18, 2014.
8. Dept. of Health - Dept. of Health and Nashville Metro Public Health Department – Direct On Scene Education (D.O.S.E.) training to first responders. – 3 hours
Oct. 22, 2014
9. Knox County SO –Domestic Related Homicide Class – 16 hours.
Oct. 29-30, 2014
10. Knox County SO – Child Abuse Investigation Class – 28 hours.
Sept. 16-19, 2014
11. Knox County SO – Criminal Investigation of Deadly Force and Officer Involved Shooting Class – 20 hours.
Sept. 30-Oct. 2, 2014
12. Knox County SO – Child Death Investigation Class – 16 hours.
Oct. 6-7, 2014
13. Lorman Education Services – Lethal and Nonlethal Uses of Force
Live webinar . 1.5 hours
Nov. 12, 2014

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14. Lorman Education Services – Fire and Explosion: Cause and Origin Investigations – Live webinar. – 1.5 hours
Nov. 20, 2014
15. Memphis PD - FLETC Law Enforcement First Responders Course. 24 hours.
Sept. 9-11, 2014
16. Memphis PD – TACT School, 160 hours
June 2, 2014 – June 27, 2014
17. Memphis PD – Juvenile Justice and Detention Reform, 8 hours
Sept. 26, 2014
18. ROCIC – Hosting along with the TN. Narcotics Officers Association and the National Narcotics Association – Risk Avoidance, 16 hours.
Oct. 14-15, 2014
19. Shelby County SO - Field Training Officer Certification Class. 40 hours.
Aug. 11-15, 2014
20. TACP – TACP Training Meeting. 11. 5. EVOC
Oct. 1 – 3, 2014
21. TN District Attorney’s General Conference – TN Criminal Investigators Annual Conference, Memphis Convention Center. 28 hours.
Oct. 15-17, 2014
22. TLETA – Courtroom Security, 32 hours. CSA/EVOC/MI.
July 21-24, 2014
23. TLETA – Basic Forensic Tracking – 40 hours
Intermediate Forensic Tracking – 40 hours
Fall Creek Falls State Park
Sept. 16-19, 2014
24. TLETA – 2014 Smoky Mountain Criminal Justice Conference – 32 hours/CSA/MI/EVOC. – Hosted by East TN. Human Resources Agency, sponsored by TLETA and the Hamblen County SO.
Nov. 3-7, 2014
25. TLETA – Patrol Crime Scene Investigation – 20 hours. CSA/MI.
Sept. 6-8, 2014
26. U. S. Dept. of Justice – FBI – Human Trafficking: The Buying and Selling of Our Children. 6 hours.
2014 Training Year – Multiple Locations.
27. U. S. Dept. of Justice – FBI – Basic Crisis Negotiations - Memphis, TN. 40 hours.
Aug. 25-29, 2014
28. UT Martin – Institute of Professional Development – Ramifications of Police Using Social Media – 8 hours. Memphis PD Training Academy.
Oct. 13, 2014

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29. Volunteer State Community College PD – Tactical Rifle Firearms Course, 8 hours.
2014 Training Year

30. LEOSA Firearms – Gary Peach, Annual Firearms Qualification, 8 hours.
Sept 16, 2014
Sept. 19, 2014(Backup date)

Commissioner Lewis moved to approve Items 1-30, seconded by Commissioner Baker. The motion carried.

OLD BUSINESS

FYI

Correspondence from District Attorney General Stephen D. Crump –
Randy White - POST Monroe County Sheriff Election Investigation

Chairman Chrisman asked Mr. Underwood for any recommendations regarding this matter. Mr. Underwood remarked that Sheriff White is currently attending training in the New Sheriffs' School conducted by TCI and was not able to be present. He has been asked to be present at the next meeting. Mr. Underwood said a lawsuit has been dismissed against the Monroe County Election Commission. However, there is still a lawsuit of former Sheriff Bivens versus Sheriff White. Judge Don Ash has been appointed to hear that matter. It is required to be heard within fifty days of filing, so that hearing should take place within the next couple of weeks. Mr. Underwood said this matter should work itself out through the legal process.

Chairman Chrisman asked if it is the intention of Sheriff White to appear at the next POST meeting. Mr. Underwood said it is his understanding that Sheriff White will ask the POST Commission to rescind the prior action taken regarding his qualifications to appear on the ballot. Mr. Underwood said that he still takes the position that POST should seek restitution of the \$600 Mr. White received in pay supplement in 2012. Communication has been sent to the chief of police regarding the pay supplement and there has been no communication back regarding that.

Chairman Chrisman said the letter from the district attorney seems to indicate that there have been no criminal violations on the part of Sheriff White. Mr. Underwood replied that Investigator Mark Hall pointed out some conflicts in some of the POST forms and those conflicts will be clarified. He said there were some questions received from the Knoxville Press concerning violations of lying to POST. POST cited the statute regarding POST decertification, but that the rule and the statute do not really address lying or perjury regarding certification on a sheriff's ballot, but the district attorney did not feel that was the case in this situation.

Commissioner Williamson asked if there was a violation of the law, in which county would it occur. Mr. Grisham answered that it depends on how the affidavit was transmitted. If there was intent to defraud on the affidavit, it depends on how it was transmitted to POST. If it was transmitted by wire or mail, it could be prosecuted in either county. If the affidavit was brought in, then it would be prosecuted in Davidson County because this is where he made the oath. However, the district attorney is saying there was no intent either way.

Commissioner Williamson asked if the POST Commission is out of the picture on this matter. Mr. Grisham answered that everything has been done that the commission has requested. It has been requested to receive the pay supplement back. The matter was referred to the local district attorney. Mr. Grisham said short of proving that the supplement has been paid back, POST will continue to pursue that. Mr. Underwood added that the court case will determine whether Mr. White is the sheriff or not. As far as POST is concerned, Mr. White was not qualified to be on the ballot. The Circuit Court case was

dismissed and the case is now in Chancery Court with Special Judge Don Ash of Rutherford County presiding over that case. There should be a hearing and a resolution before the next POST meeting.

Mr. Underwood said one reason that Sheriff White is requesting to appear at the next meeting is because he does not want to say he is waiving his right to appeal the decision if he is asked by the judge if he has pursued all routes administratively. Also, the next question is if he does qualify, does he need transition school. Mr. Underwood said he does not think Mr. White is seeking a waiver of that yet.

Chairman Chrisman thanked Mr. Underwood for the information and for keeping the commission current and asked if there were further comments or questions. Commissioner Long commented that the only other option would be to present the case to the district attorney in Nashville for his review if it was deemed that the violation occurred in Davidson County. Mr. Underwood remarked that that is apparently still an option. Commissioner Long added that the POST Commission has done what it can do and it will be sad if the law that was passed by the legislature is not followed, but it is up to the court to interpret that.

There was no further old business.

NEW BUSINESS/ITEMS FOR DISCUSSION

Hendersonville PD – Tarik Allen Rashid

Request from Assistant Chief James Jones to request POST conduct further investigation into the certification of Mr. Rashid. During the pre-employment investigation completed by the department, it was discovered that Mr. Rashid had been arrested for an alcohol offense in the State of Georgia in 1996. He was previously employed with Gallatin PD, and while reviewing his application, it was discovered that he had marked “No” to all questions pertaining to arrests and convictions. Further documentation reveals that Mr. Rashid had requested an expungement but it is unclear if that was granted. Request POST also review the documents to determine if he provided false information to POST during his initial application for certification.

Mr. Welch explained that on the application to Gallatin PD, Mr. Tarik was employed on 4/14/11. At that point in time on the back of the Application for Certification was three questions: Has the applicant ever been convicted of any criminal violation? No. Has the applicant ever been convicted of anything other than a traffic violation? No. Has the applicant ever been convicted of driving under the influence? No.

Mr. Welch said there is another application from 8/18/2010 where Mr. Tarik had applied to the Gallatin Police Department and answered the same three questions with the same response. Mr. Welch said he looked at the records and there is some indication that the record may have been expunged, but it was expunged in 2014. Commissioner Jenkins noted that 2014 is when the expungement was requested and may not have been granted yet.

Mr. Welch said he did not think there was anything to investigate. Mr. Underwood said Mr. Tarik may have considered it minor. Mr. Grisham said he believes Mr. Tarik was nineteen years old at the time of the infraction. Mr. Underwood said if they look at both of the applications, on one of the forms it appears that Mr. Tarik was trying to be really honest but then on the other it appears he was trying to hide something.

Mr. Welch said that Mr. Tarik attended Walter State in March of 2011. They did not ask for a waiver.

Commissioner Fanion remarked that when he first came on the POST Commission, he worked with a judge that would always quote a particular statute to persons who would appear before him and would tell them that once they completed their probationary period, they could go out and say they had never been convicted or never been charged and that nothing should be on their record. Commissioner Fanion added that he did not know about this young man who was nineteen at the time and maybe it does require further

investigation. The young man may have been under the impression that the record was expunged years ago. Commissioner Jenkins replied that it is a ticket for underage drinking and Mr. Tarik was not put in jail.

Commissioner Wallace moved to have Mr. Tarik appear before the commission to explain the circumstances surrounding the ticket and the disposition, seconded by Commissioner Baker. There being no further questions or discussion, the motion carried.

WAIVER OF THE EIGHT MONTH RULE – RULE 1110-09-.06

The following officers completed the required In-service including EVOC/CSA/MI and Firearms and for reasons specified on each request are asking for a waiver of the eight month rule. They will be eligible for salary supplement. In-service has been completed

Jackson PD - The following officers have retired on listed dates and completed all in-service requirements.

Sgt. Johnny K. Jines	Ret.	08-15-2014
Sgt. Thomas A. McLean	Ret.	07-01-2014
Capt. Ronald S. Overton	Ret.	04-12-2014
Sgt. Gerald A. Wiltshire	Ret.	06-29-2014

Commissioner Jenkins moved for approval, seconded by Commissioner Baker. The motion carried.

FYI – Newport Police Captain fired following guilty plea.

Mr. Welch said that he received a call from the U.S. Attorney concerning this matter and will be sending some paperwork on this matter. POST has also received a change of status on the termination. Mr. Welch said there is another captain involved also, so he is expecting to receive paperwork on both. Mr. Grisham suggested holding up on any action until the paperwork is received.

No action taken at this time.

WAIVERS OF SIX (6) MONTH RULE:

Blount County SO – Paul, Keith A. – Request is made for a waiver of the six month rule for Mr. Paul. He began employment on 4-1-14 but due to scheduling conflicts the Blount County Basic Law Enforcement Academy which begins on 9-8-2014 does not conclude until 11-21-2014. Request a waiver so he remains in compliance with POST guidelines.

Commissioner Williamson moved for approval, seconded by Commissioner Jenkins, which motion carried.

Blount County SO – Weeden, Harold A. – Request is made for a waiver of the six month rule for Mr. Weeden. He began employment on 4-1-14 but due to scheduling conflicts the Blount County Basic Law Enforcement Academy which begins on 9-8-2014 does not conclude until 11-21-2014. Request a waiver so he remains in compliance with POST guidelines.

Commissioner Williamson moved for approval, seconded by Commissioner Lewis. The motion carried.

ADMINISTRATIVE WAIVER

Hawkins County SO – Crosby, Andrew Lewis –

Request is made for an Adm. Waiver for Mr. Crosby for an Entry Level Separation he received for a from the Marines on 07-03-1986. According to the medical statements from the military he had Polyarthrititis in his right wrist which was found to be a non-acceptable defect. He was a correctional officer in Florida and was able to maintain vigorous physical standards. He became full time with Hawkins County on 09-08-2014 and will be attending TLETA in Oct. 2014.

Commissioner Wallace moved to approve, seconded by Commissioner Lewis. The motion carried.

Maryville PD – Garland, David Cody –

Request is made for an Adm. Waiver for Mr. Garland for an Uncharacterized Discharge (Entry Level) he received from the Navy, six weeks into his basic naval training. In 2009 he injured the ACL during a football game, but after rehabilitation he was cleared for normal activity by a licensed physical therapist. Approximately four years later while in boot camp his knee began to swell and after multiple tests were performed and he was found not to meet “Naval Standards”. He attended WSCC and graduated on 6-6-14. He became full time with Maryville PD on 8-26-14. Request a waiver so that he may be issued POST Certification.

Commissioner Lewis moved to approve, seconded by Commissioner Baker. The motion carried.

Mr. Welch asked the commission to go back to Sevier County, Bart Tyner. Mr. Welch said the position Mr. Tyner worked in was a full-time certified law enforcement position and this was verified by Jeffrey Finch, who is the Certification Compliance Manager for South Carolina Criminal Justice Academy. Mr. Grisham informed Mr. Welch that the commission approved the request based upon POST reviewing Mr. Tyner's basic curriculum to find out what the eight-hour deficiency is and making that up and attending the transition school. Mr. Tyner can attend night classes while he is at transition school to make up that deficiency. Chairman Chrisman thanked Mr. Welch for verifying Mr. Tyner's certification.

There was no further business to come before the POST Commission.

Chairman Chrisman entertained a motion for adjournment.

Commissioner Jenkins moved to adjourn, seconded by Commissioner Williamson. The motion carried.

The meeting adjourned.

RESPECTFULLY SUBMITTED

Patsy Norman
LCR #410

APPROVED _____
GLENN CHRISMAN
CHAIRMAN

DATE: _____